

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-mj-8153-BER

UNITED STATES OF AMERICA

v.

JORGE GUERRA-LOPEZ and  
RAFAEL CASIMIRO PEGUERO-SOTO,

Defendants.

/

**CRIMINAL COVER SHEET**

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek M. Maynard)? No.
2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared M. Strauss)? No.
3. Did this matter involve the participation of or consultation with now Magistrate Judge Eduardo I. Sanchez during his tenure at the U.S. Attorney's Office, which concluded on January 22, 2023? No.

Respectfully submitted,

MARKENZY LAPOINTE  
UNITED STATES ATTORNEY

By:

  
\_\_\_\_\_  
Shannon Shaw  
Assistant United States Attorney  
FL Bar No. 92806  
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West Palm Beach, FL 33401  
Phone: 561-209-1036  
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UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America )  
v. )  
JORGE GUERRA-LOPEZ and ) Case No.  
RAFAEL CASIMIRO PEGUERO-SOTO, ) 23-mj-8153-BER  
)  
)  
)  
)  
)  
\_\_\_\_\_  
*Defendant(s)*

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 17, 2023 in the county of Palm Beach in the  
Southern District of Florida, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
8 U.S.C. §§ 1324(a)(1)(A)(i) and 1324(a)(1)(B)(i)	Alien smuggling for purpose of commercial advantage or private financial gain
8 U.S.C. §§ 1326(a)(2) and (b)(2)	Illegal reentry after a prior removal for an aggravated felony

**FILED BY TM D.C.**

**Mar 20, 2023**

**ANGELA E. NOBLE  
CLERK U.S. DIST. CT.  
S. D. OF FLA. - West Palm Beach**

This criminal complaint is based on these facts:

Please see attached affidavit.

Continued on the attached sheet.

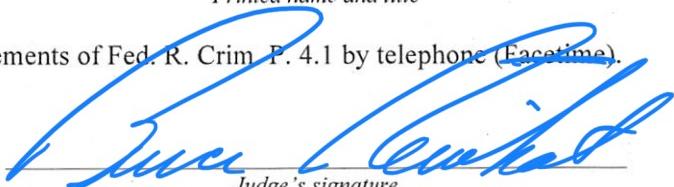
  
*Cynthia Samples*  
Complainant's signature

**Cynthia Samples, Special Agent, HSI**

*Printed name and title*

Subscribed and sworn to before me in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone (Facetime).

Date: 03/20/2023

  
*Bruce E. Reinhart*  
Judge's signature

City and state: West Palm Beach, FL

**Hon. Bruce E. Reinhart, U.S. Magistrate Judge**

*Printed name and title*

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

Your affiant, Cynthia Samples, first being duly sworn, does hereby depose and state as follows:

1. I am a Special Agent with the Department of Homeland Security, Homeland Security Investigations (HSI) assigned to the office of the Assistant Special Agent in Charge, West Palm Beach, Florida, and have been so employed by HSI since 2009. I have successfully completed the Criminal Investigator Training Program and Special Agent Training at the Federal Law Enforcement Training Center in Glynco, Georgia. Among my responsibilities as an HSI Special Agent, I am trained and empowered to investigate crimes against the United States, arising under Titles 8, 18, 19, 21 and 31 of the United States Code.

2. The facts set forth in this affidavit are based on my own personal knowledge, information obtained in this investigation from others, including other law enforcement officers, my review of documents, pictures and computer records related to this investigation, and information gained through training and experience. Because this affidavit is being submitted for the limited purpose of establishing probable cause to support a Criminal Complaint, I have not included every fact known to me and law enforcement concerning this investigation, but have set forth only those facts necessary to establish probable cause to believe that on or about March 17, 2023, in Palm Beach County, in the Southern District of Florida:

a. Jorge GUERRA-LOPEZ, a citizen and national of Cuba, committed the crime of Attempting to Illegally Bring Aliens into the United States for the Purpose of Private Financial Gain, in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(i) and 1324(a)(1)(B)(i); and

b. Rafael Casimiro PEGUERO-SOTO (a/k/a Raul PEREZ GOMEZ, Juan BAUTISTA, Angel CRUZ, Alberto VASQUES, Alberto VASQUEZ ROJAS), a citizen and national of the Dominican Republic, committed the offense of Attempting to Illegally Re-Enter the United States after a Prior Removal for an Aggravated Felony, in violation of 8 U.S.C. §§ 1326(a)(2) and (b)(2).

**PROBABLE CAUSE**

3. On March 17, 2023, at approximately 7:15 AM, the Palm Beach County Sheriff's Office (PBSO) identified a target of interest (TOI) via maritime radar, traveling on a westerly path. Subsequently, PBSO notified the United States Coast Guard Station Lake Worth Inlet (USCG) of the TOI. PBSO Marine launched a marked patrol vessel to the area of the Lake Worth Inlet.

4. At approximately 8:26 AM, PBSO Marine made contact with the slowly-moving TOI approximately two (2) miles east of the Lake Worth Inlet. The TOI was identified as a blue 27-foot Proline, cuddy-cabin style vessel, with two (2) outboard engines. PBSO Marine observed approximately four (4) people on deck; two (2) persons sitting behind the console area, and two (2) persons sitting on the rear deck of the vessel.

5. PBSO Marine described the person operating the vessel as a male wearing a red shirt seated directly behind the helm. PBSO escorted the vessel to the Lake Worth Inlet to conduct further investigation due to the rough sea conditions. Once they reached that area, PBSO questioned the captain of the vessel as to his identity. The captain identified himself as Jorge GUERRA-LOPEZ (“GUERRA-LOPEZ”). GUERRA-LOPEZ advised PBSO that he did not know the other passengers on the vessel with him.

6. Once PBSO Marine learned that there were more passengers seated in the cabin area of the vessel, those passengers were instructed to exit the cabin and sit in the rear deck area of the vessel. PBSO provided eleven personal flotation devices (PFD), since there were only four PFDs onboard the vessel at the time of the stop. In total, fifteen passengers were found on the boat.

7. USCG arrived on-scene for operational control. All fifteen occupants were then transferred to the USCG Cutter for biometrics processing and analysis.

8. The fifteen foreign nationals onboard included the following: one Cuban (male); three Dominican Republic (2 males, 1 female); six Chinese (1 male, 5 females); and five Ecuadorian (1 male, 2 females, 2 female minors). The biometrics results revealed that none of the foreign nationals onboard had permission or prior authorization to enter the United States, and that one individual, as set forth below, had been previously removed from the United States after a prior conviction for an aggravated felony.

9. Following a DHS Regional Concurrence Team (RCT) call on March 19, 2023, the suspected alien smuggler, GUERRA-LOPEZ, and the previously deported convicted felon, Rafael Casimiro PEGUERO-SOTO (“PEGUERO-SOTO”), were transferred ashore and interviewed by HSI. The remaining foreign nationals were repatriated by the USCG.

10. PEGUERO-SOTO, who is charged with re-entry after prior removal for an aggravated felony, was born on November 6, 1970, and is a citizen of the Dominican Republic. He was previously deported from the United States on December 21, 2021, following his conviction for trafficking of narcotics (heroin/morphine/opium) offense, an aggravated felony. He did not have permission to enter the United States legally. Criminal history checks indicate that

in March 2018, PEGUERO-SOTO was sentenced to a sentence not less than 8 years and not exceeding 10 years. However, he was deported three years after he was sentenced.

11. GUERRA-LOPEZ, who is charged with alien smuggling for profit, was born on January 11, 1987, and is a citizen of Cuba. He previously entered the United States illegally in the Florida Keys area on July 2, 2022, and was ordered to report to an Immigration and Customs Enforcement (ICE) Office to obtain an Immigration Court date; however, GUERRA-LOPEZ failed to present himself to ICE. He did not have permission to enter the United States legally.

12. At approximately 2:32 PM on March 19, 2023, HSI Special Agents and U.S. Border Patrol (USBP) interviewed GUERRA-LOPEZ at the U.S. Border Patrol Station located in Riviera Beach, Florida. The interview was electronically recorded for audio and video. GUERRA-LOPEZ was able to read, write and speak the Spanish language with no communication barriers. Prior to beginning the interview, GUERRA-LOPEZ was read his *Miranda* warnings via a pre-printed form, with agents stopping after each line to ask if he understood what was read to him. GUERRA-LOPEZ answered in the affirmative each time. GUERRA-LOPEZ was asked if he understood his *Miranda* rights which he again answered in the affirmative. GUERRA-LOPEZ waived his rights and elected to speak with the interviewing agents. During the interview, GUERRA-LOPEZ made the following statements:

- a. GUERRA-LOPEZ stated the boat departed Freeport, Bahamas on March 16, 2023, at approximately 6:00 PM, and was traveling to the U.S. with the passengers.
- b. According to GUERRA-LOPEZ, the GPS coordinates were already keyed in for him; he was instructed to follow the course coordinates. He further stated that once he reached the U.S., he intended to beach the vessel.

- c. GUERRA-LOPEZ was supposed to be paid \$5000.00 by an unidentified person once he arrived in the United States.
- d. GUERRA-LOPEZ indicated that “Rojo” was the person he made arrangements with to drive the vessel from Freeport, Bahamas to the U.S. with the passengers.
- e. GUERRA-LOPEZ indicated that the other passengers were already onboard the vessel when “Rojo” and another unidentified male dropped him off at the vessel.
- f. GUERRA-LOPEZ stated that there were not enough Preservation Flotation Devices (PFDs) for all passengers; however, there was drinking water for them.
- g. GUERRA-LOPEZ acknowledged that he entered the U.S. illegally.
- h. GUERRA-LOPEZ admitted to conducting four previous human smuggling events from Cuba to Mexico. He also admitted that he and his friends built the “chug” boat that brought them to the U.S. on July 2, 2022, and that he and others navigated the vessel during that trip.

13. At approximately 3:25 PM, on March 19, 2023, HSI agents interviewed PEGUERO-SOTO at the U.S. Border Patrol Station located in Riviera Beach, Florida. The interview was electronically recorded for audio and video. PEGUERO-SOTO was able to read, write and speak the Spanish language with no communication barriers. Prior to beginning the interview, PEGUERO-SOTO was read his *Miranda* warnings via a pre-printed form, with agents stopping after each line to ask if he understood what was read to him. PEGUERO-SOTO answered in the affirmative each time. PEGUERO-SOTO was asked if he understood his *Miranda* rights

which he again answered in the affirmative. PEGUERO-SOTO verbally waived his rights; however, he stated that he was not feeling well and was not prepared to answer questions at this time. The interview was terminated at 3:29 PM. At approximately 3:45 PM, HSI and USBP agents approached PEGUERO-SOTO and asked him if he would be willing to supply his mobile device PIN, and PEGUERO-SOTO invoked his right to legal counsel; no further contact was made.

### CONCLUSION

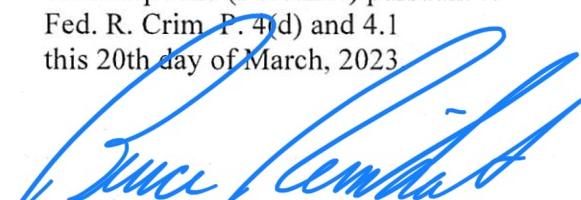
14. Based on the foregoing facts, I submit that probable cause exists that Jorge GUERRA-LOPEZ, committed the crime of Attempting to Illegally Bring Aliens into the United States for the Purpose of Private Financial Gain, in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(i) and 1324(a)(1)(B)(i); and Rafael Casimiro PEGUERO-SOTO, committed the crime of Attempting to Illegally Re-Enter the United States after a Prior Removal for an Aggravated Felony, in violation of Title 8, United States Code, Sections 1326(a)(2) and (b)(2).

FURTHER YOUR AFFIANT SAYETH NAUGHT.



CYNTHIA SAMPLES  
SPECIAL AGENT  
HOMELAND SECURITY INVESTIGATIONS

Sworn and Attested to me by Applicant  
via Telephone (Facetime) pursuant to  
Fed. R. Crim. P. 4(d) and 4.1  
this 20th day of March, 2023



HON. BRUCE E. REINHART  
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

**PENALTY SHEET**

Defendant's Name: JORGE GUERRA-LOPEZ

Case No: 23-mj-8153-BER

Count #1:

Alien Smuggling for Purposes of Profit or Financial Gain

8 U.S.C. §§ 1324(a)(1)(A)(i) and 1324(a)(1)(B)(i)

\* **Max. Term of Imprisonment:** 10 years

\* **Mandatory Min. Term of Imprisonment (if applicable):** N/A

\* **Max. Supervised Release:** 3 years

\* **Max. Fine:** \$250,000 fine

\* **Special Assessment:** \$100

\* **Immigration Consequences of Removal (Deportation) from United States if Convicted**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

**PENALTY SHEET**

Defendant's Name: RAFAEL CASIMIRO PEGUERO-SOTO

Case No: 23-mj-8153-BER

Count #2:

Illegal Reentry after Prior Removal for Aggravated Felony

8 U.S.C. §§ 1326(a)(2) and 1326(b)(2)

\* **Max. Term of Imprisonment:** 20 years

\* **Mandatory Min. Term of Imprisonment (if applicable):** N/A

\* **Max. Supervised Release:** 3 years

\* **Max. Fine:** \$250,000 fine

\* **Special Assessment:** \$100

\* **Immigration Consequences of Removal (Deportation) from United States if Convicted**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NUMBER: 23-mj-8153-BER**

**BOND RECOMMENDATION**

DEFENDANT: JORGE GUERRA-LOPEZ

**Pre-Trial Detention**

(Personal Surety) (Corporate Surety) (Cash) (Pre-Trial Detention)

By:

AUSA: SHANNON SHAW



Last Known Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What Facility: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Agent(s): Cynthia Samples  
(FBI) (SECRET SERVICE) (DEA) (IRS) (ICE) (OTHER)  
HSI

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NUMBER: 23-mj-8153-BER**

**BOND RECOMMENDATION**

DEFENDANT: RAFAEL CASIMIRO PEGUERO-SOTO

**Pre-Trial Detention**

(Personal Surety) (Corporate Surety) (Cash) (Pre-Trial Detention)

By:

AUSA: SHANNON SHAW



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What Facility: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Agent(s): Cynthia Samples  
(FBI) (SECRET SERVICE) (DEA) (IRS) (ICE) (OTHER)  
HSI